

APPEAL NO. 032628
FILED NOVEMBER 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 16, 2003. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 12th, 13th, and 14th quarters. The appellant (carrier) appealed the hearing officer's SIBs determinations based on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is entitled to 12th, 13th, and 14th quarter SIBs. Section 408.142 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102) establish the requirements for entitlement to SIBs. At issue was whether the claimant made a good faith job search commensurate with his ability to work each week of the qualifying periods, pursuant to Rule 130.102(d)(5) and (e), and whether his unemployment was a direct result of the impairment from the compensable injury. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In view of the applicable law and the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Having affirmed the determination that the claimant met the definition of good faith under Rule 130.102(d)(5), the claimant was not required to additionally satisfy the requirement of Rule 130.102(d)(2) that he be enrolled in, and satisfactorily participating in a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission. See Texas Workers' Compensation Commission Appeal No. 000321, decided March 29, 2000.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **HIGHLANDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CHARLIE MILLER
10370 RICHMOND AVENUE
HOUSTON, TEXAS 77042.**

Edward Vilano
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Robert W. Potts
Appeals Judge